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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

SAFELITE AUTOGLASS
327 OLD NISKAYUNA ROAD
APPLICATION FOR SEQRA

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
August 21, 2018 at 7:13 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
CRAIG SHAMLIAN
KATHLEEN DALTON
SUSAN MILSTEIN
LOU MION
CRAIG SHAMLIAN
STEVEN HEIDER

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Daniel Hershberg, PE, Hershberg & Hershberg
Peter Campito
Joseph LaCivita, Director, Planning and Economic
Development

1 CHAIRMAN STUTO: Safelite Autoglass, 327 Old
2 Niskayuna Road, application for SEQRA and environmental
3 review and for final approval. Proposed is a 40,136
4 square foot one-story warehouse.

5 Joe LaCivita?

6 MR. LACIVITA: Just to get the review dates
7 that we have had this project before the Board and the
8 Departments - it was before the Development Coordination
9 Committee meeting on the initial on-set, which is the
10 DCC, November 1, 2017. We went into sketch around
11 February 13 of '18. Concept was granted for this project
12 by this Board on May 8, 2018. It is in the Airport
13 Business District which means this does also have
14 mitigation fees which have been calculated and sent to
15 the applicant. They are about \$113,000. This project is
16 moving forward and they are prepared to go through the
17 project and take it into final.

18 MR. HERSHBERG: Thank you, Joe. I'm Daniel
19 Hershberg representing Hershberg and Hershberg and Peter
20 Campito who is the applicant for the project.

21 You have seen the project before. Since the
22 last time that we were here we have gone through and
23 we have plotted the trees that were questioned on the
24 side here (Indicating). We plotted all of our trees
25 and they can be preserved, as well as a number of

1 trees in front of the building that we also propose to
2 preserve. That was a significant question as to how we
3 would treat those.

4 There will be a drainage swale in the lawn
5 area here.

6 There was a question raised as to whether it
7 would be sufficient to resist the erosion. We can
8 certainly go over that. We think that the soil has
9 good infiltration capabilities. We would be putting
10 porous pavement back here (Indicating), but we can
11 also talk about extending that porous pavement into a
12 swale and carry in that direction to try to reduce the
13 potential for erosion.

14 Another issue was raised about the sidewalks.
15 Sidewalks, sidewalks and sidewalks have been an issue
16 up in this area. The applicant owns a contract to buy
17 this parcel here (Indicating) and owns about 500 feet
18 along Old Niskayuna Road. He doesn't own these two
19 interceding parcels. The entrance drive here is for
20 the New York State Taxation and Finance building.

21 For the sidewalk, we would propose putting
22 the sidewalk across the parcel. If we could have
23 paved, we would have put it across these parcels, but
24 this has to be outside of the existing pavement. It is
25 the proposal to widen that right-of-way in the future

1 and that line is shown. The proposed right-of-way is
2 right through those streets. We can put a new sidewalk
3 outside the pavement area and inside the proposed
4 right-of-way line. We could fit it in behind those
5 trees. We are proposing to relocate a hydrant at this
6 location (Indicating). It doesn't have to be perfectly
7 straight. We can jog it behind a hydrant and maybe
8 behind the trees next to it and then get back in
9 alignment and extend it to the limits of Mr. Campito's
10 control.

11 There were very few items in the review
12 letter. They had to do with technical issues. We
13 published some things incorrectly and I apologize for
14 that. Again, we don't think that there are any
15 critical issues here.

16 The stormwater management system works quite
17 well, being porous pavement, and our goal would be to
18 do it like that.

19 One issue is that we don't need all the
20 parking to meet Code, so we would like to bank these
21 eight parking spots in the front. We have enough
22 parking to meet Safelite's need for both employee
23 parking and customer parking. We went through the
24 arrangement to get a truck in and out and it has a
25 smooth curb onto Old Niskayuna Road.

1 We think the landscape plan works around the
2 building. We are preserving a great number of the
3 trees on the site.

4 If there any questions by the Board, I am
5 prepared to answer them.

6 CHAIRMAN STUTO: Okay, this project has been
7 reviewed by our Town Designated Engineer. In this case,
8 it is CHA. Joe Grasso is here representing them.

9 Joe, could you give us your comments from
10 your review?

11 MR. GRASSO: Sure. There is a comment letter
12 from us in your packet dated August 10. That is our
13 latest review letter recommending that the project be
14 scheduled for final site plan review.

15 I just want to touch on some of the positive
16 aspects that Dan mentioned in his presentation. I
17 think it is noteworthy.

18 We have heard from the Planning Board and
19 worked with the applicant on addressing and saving the
20 trees up front along the north side of the site. Dan
21 has done a good job. There is only one tree that is
22 going to be removed and that is because of the water
23 service installation. We think that won't have any
24 significant impacts. So, we think that's a really
25 important part of the plan because there are some

1 significant trees along the Old Niskayuna Road
2 corridor to be saved. They have located the truck
3 docks in the back of the building so that they won't
4 be seen from the public right-of-way. I think that is
5 a really important feature.

6 They have broken up the parking. Most of the
7 time you have the parking out in front of the
8 building. In this case, they have split the parking
9 between some in the front and some on the side. They
10 also have land banked some parking which we are
11 supportive of. The last thing is that they have done a
12 good job of really eliminating the amount of site
13 disturbance on the site. I don't think there is any
14 wetland impacts at all on the plan, as proposed. Those
15 are all commendable items.

16 Regarding the environmental review, it is an
17 unlisted action pursuant to SEQR. Dan had provided a
18 short EAF, Part I being provided by the applicant.

19 We filled out Part II. We have drafted it
20 based on the application materials.

21 Part III is a negative declaration that would
22 be ready for the board's consideration if the Board
23 wants to move forward with the application.

24 There is a waiver required. Dan mentioned
25 that and it is to allow land banking of eight parking

1 spaces, which we are also supportive of. There is a
2 draft Resolution for the waiver findings in your
3 packet.

4 Dan touched on the most significant issue
5 that we've got because most of our comments are very
6 minor and technical in nature. The biggest one is the
7 need for the sidewalks. This is something that was
8 discussed during the sketch plan review and during the
9 concept review. There has been no clear proposal by
10 the applicant as to what they are willing to build as
11 part of the project, but the need has been documented
12 or talked about throughout the course of the whole
13 process. The Planning Department had recommended and
14 we remain supportive of a sidewalk. Because this
15 project has frontage along old Niskayuna Road which is
16 where this project site is, there is also a lot of
17 project frontage on Wade Road.

18 I believe there were monies held in escrow
19 for a future sidewalk along Wade Road. We recommend
20 now is a good time to use the money in escrow and
21 build sidewalks as far as we can that you equate to
22 the amount of frontage owned by the applicant. I think
23 that is about 1,000 feet.

24 MR. HERSHBERG: Including Wade Road?

25 MR. GRASSO: Yes, including Wade Road. Getting

1 the money held in escrow is great but it doesn't do the
2 pedestrians any good in there. There is an increased
3 demand for pedestrian facilities in this area with the
4 residential development that is taking place and the
5 occupation of New York State Tax and Finance in that
6 building and obviously projects like this. Obviously,
7 there is the Public Operations Center that we are in as
8 well. So, the Planning Department had recommended a
9 sidewalk along old Niskayuna Road from this project site
10 along the frontage and down to Nexus Drive, which is the
11 southerly access in the rear access to New York State
12 Tax and Finance. Then, also, a sidewalk along Wade Road
13 from Hastings Drive to the westerly driveway of the New
14 York State Tax and Finance building.

15 CHAIRMAN STUTO: Where does that bring us to,
16 Dan?

17 MR. GRASSO: Hastings Drive is towards the
18 north.

19 MR. HERSHBERG: It is further northeast along
20 Wade Road.

21 CHAIRMAN STUTO: It is off the map?

22 MR. HERSHBERG: Yes, it is a couple hundred
23 feet northeast of this property.

24 MR. GRASSO: Dan was talking about some
25 properties being possibly under control at some point in

1 the future along Old Niskayuna Road, maybe it would be
2 favored to build a continuous sidewalk from Hastings
3 Drive down along Wade Road and down to the intersection
4 of Old Niskayuna Road. I think there is only one
5 residence along that whole stretch that you would need
6 to work on and I think that is down at the corner of Old
7 Niskayuna and Wade. It doesn't seem like there is any
8 occupation close to the road.

9 CHAIRMAN STUTO: You recommend focusing on Wade
10 and leave Old Niskayuna -

11 MR. GRASSO: That would be my recommendation. I
12 think it is something that we wanted to get the dialogue
13 with the Planning Board. Dan, in his response letter,
14 indicated a commitment that they are willing to design
15 and build a sidewalk as part of the project and we
16 wanted to bring the Planning Board into the review
17 process to talk about how much frontage he's got, talk
18 about the money held in escrow and how he should move
19 forward with this part of the project.

20 MR. SHAMLIAN: How many feet are we talking
21 about on Wade Road?

22 MR. HERSHBERG: I think it is about 1,100 or
23 1,200 feet along Wade Road from the corner all the way
24 to Hastings.

25 MR. GRASSO: So, it equates to his frontage,

1 basically.

2 MR. SHAMLIAN: And how much of that is owned by
3 the applicant?

4 MR. HERSHBERG: About half. Half on Wade Road
5 is owned by the applicant.

6 If what you are saying is that the preference
7 would be to put the sidewalk along Wade Road - if we
8 were to take the 500+ feet along Old Niskayuna Road
9 and put it in that direction and use the \$48,000 put
10 up previously in escrow - if we could use that, you
11 may very well be able to do the sidewalk along Wade
12 Road as a consolation. I think that would be a doable
13 thing.

14 CHAIRMAN STUTO: How does the Board feel about
15 that?

16 MR. MION: I think that's a good idea.

17 MR. SHAMLIAN: I guess the only question that I
18 have is that if we do Wade Road and we don't do in front
19 of Safelite, when does Safelite ever get done? If the
20 rest of the property on Old Niskayuna gets developed
21 outside of this applicants control, there is nobody
22 that's going to do Safelite.

23 MR. HERSHBERG: I might point out that there is
24 a lot of frontage left in here. I don't think Peter
25 Campito's idea is to leave it vacant. He may very well

1 come back when he gets another tenant to move into a
2 building there. You get another bite of Peter Campito's
3 sidewalk.

4 MR. CAMPITO: That's the end of my development,
5 though.

6 MR. HERSHBERG: Again, if that were to come in
7 here, we could include a significant portion of Old
8 Niskayuna Road frontage.

9 CHAIRMAN STUTO: That make sense to me. I am
10 hearing a consensus from the Board with that approach.

11 MR. HERSHBERG: We are good for it.

12 MR. GRASSO: The way that I would recommend
13 that the Board move forward is a condition of
14 construction of approximately 1,000 linear feet of
15 sidewalk to be worked out. DPW is going to be a main
16 player regarding where the sidewalk is and who is
17 responsible for maintenance; is it within the
18 right-of-way or outside the right-of-way? I am sure that
19 we can work through those details.

20 CHAIRMAN STUTO: And we are going to apply
21 previously escrowed money.

22 MR. GRASSO: Yes.

23 MR. HERSHBERG: We are good for that.

24 CHAIRMAN STUTO: Were there any members of the
25 public signed up to speak on this project?

1 (There was no response.)

2 Do you have any other questions?

3 MR. SHAMLIAN: No.

4 CHAIRMAN STUTO: Do you want to start walking
5 us through the environmental review?

6 MR. GRASSO: Sure. Like I had mentioned, there
7 is a Short Environmental Assessment Form that has been
8 completed and we have reviewed it. It describes the
9 environmental setting of the project and the project's
10 impacts. There is a blank Part II because that was the
11 form filled out by the applicant. The Part II is
12 actually done by the lead agent. So, we have drafted
13 that and that is a couple of pages further back in your
14 packet.

15 Part II is the actual impact assessment where
16 it goes through the project's impacts on 11 different
17 environmental characteristics of the project site and
18 the answer to each of those questions is that there
19 would be none or a small impact is likely to occur.
20 There were no boxes checked where we thought there
21 would be a moderate to large impact requiring further
22 environmental study.

23 Part III is actually the determination of
24 significance and it is drafted as a negative
25 declaration saying that the Planning Board has

1 determined, based on the information and analysis
2 above and any supporting documentation that the
3 proposed action will not result in any significant
4 adverse environmental impacts.

5 If the Board is comfortable with a short EAF
6 as it has been drafted, there is a Resolution in your
7 packet as well for the neg dec.

8 CHAIRMAN STUTO: Do any Members of the Board
9 have any questions on any of the impacts that are set
10 forth in the review form?

11 MR. SHAMLIAN: No.

12 CHAIRMAN STUTO: Okay, please proceed.

13 MR. GRASSO: Resolution to the Town of Colonie
14 Planning Board preparation of a negative declaration.
15 Whereas the applicant has submitted an application for
16 the Safelite Autoglass project located at 327 Old
17 Niskayuna Road.

18 I will be doing some paraphrasing.

19 Now therefore be it resolved that the
20 Planning Board declares itself lead agency for the
21 purposes of SEQR and be it resolved that based on a
22 thorough review of the project by the Planning Board,
23 that there will be no significant adverse
24 environmental impacts and no EIS will be required. Be
25 it further resolved that the attached draft neg dec be

1 adopted in accordance with SEQR.

2 CHAIRMAN STUTO: I will ask the stenographer to
3 put the entire Resolution into the record.

4 Do we have a motion on that negative
5 declaration?

6 MS. DALTON: I will make a motion.

7 MR. MION: Second.

8 CHAIRMAN STUTO: All those in favor, say aye.

9 (Ayes were recited.)

10 All those opposed, say nay.

11 (There were none opposed.)

12 The ayes have it.

13 Waiver Resolution? Is that next?

14 MR. GRASSO: Yes. So, there is a Resolution in
15 your packets. Resolution for the Safelite Autoglass, 327
16 Old Niskayuna Road Land Use Law waiver findings. Whereas
17 the applicant is requesting a waiver from the Town of
18 Colonie Land use Law Chapter 190 - 10 parking related to
19 the total number of parking spaces provided. Whereas the
20 Code requires a total of 38 parking spaces and the plan
21 depicts 30 spaces to be initially constructed with eight
22 land banked parking spaces to be built in the future, if
23 required. Now therefore be it resolved that the Board
24 finds that the applicant has established that there are
25 no practical alternatives to the proposed waiver that

1 would conform to the standard and that the waiver is
2 necessary in order to secure reasonable development of
3 the project site. Be it further resolved that these
4 waiver findings be a condition of site plan approval of
5 the application and be kept in the project file and the
6 office of the Planning and Economic Development
7 Department.

8 CHAIRMAN STUTO: Again, we will ask the
9 stenographer to put the entire Resolution into the
10 record.

11 Do we have any questions on that Resolution?

12 (There was no response.)

13 Do we have a motion?

14 MR. MION: I make a motion.

15 MS. MILSTEIN: I will second.

16 CHAIRMAN STUTO: All those in favor, say aye.

17 (Ayes were recited.)

18 All those opposed, say nay.

19 (There were none opposed.)

20 The ayes have it.

21 Now the main question before the Board which
22 is for final site plan approval, conditioned upon the
23 conditions set forth by the Town Departments, by the
24 Planning Board tonight including without limitation
25 what we discussed about sidewalks and also the

1 conditions set forth by the Town Designated Engineer's
2 letter. Do we have a motion?

3 MR. MION: I will make a motion.

4 MS. MILSTEIN: I will second.

5 CHAIRMAN STUTO: Any discussion?

6 (There was no response.)

7 All those in favor, say aye.

8 (Ayes were recited.)

9 All those opposed, say nay.

10 (There were none opposed.)

11 The ayes have it.

12 Thank you.

13 (Whereas the above entitled proceeding was
14 concluded at 7:29 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

Dated: _____

NANCY L. STRANG
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